

***Remarks***

Claim 17 is pending.

***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 12/7/2009 has been entered.

***Response to Arguments***

2. Applicant's arguments filed 12/7/2009 have been fully considered but they are not persuasive.

Applicant argues that "Bly does not disclose or fairly suggest a system for maintaining qualification of an operator in which a terminal for maintenance operation at said work site is not directly connected to a data management server at the server site, but the terminal for maintenance operation is connected to the data management server via a mobile terminal and a communication network, as claim 17 requires. In contrast to the presently claimed invention, the analysis controller database 78 of the asset controller 51 of Bly is directly connected to the local controller 36 at a work site by the internet". However, the simple fact that the local controller is connected to the asset controller through the Internet

Art Unit: 2437

shows that there is no direct connection between the 2, as the communication must travel through various routers, modems, ISPs, etc. Furthermore, the local controller 36 does not necessarily equate to the terminal for maintenance operation. The terminal for maintenance operation of the claim may be a part of asset 31 (such as, for example, the data acquisition device 32) or the entirety of the asset. Looking to figure 3 of Bly, communications may travel from the asset through the asset's transmitter 34, to the receiver 35, to the local controller 36, to the modem 37, through the Internet 40, to the modem 52, and finally to remote analysis system 50 and the various servers and devices thereof. This is certainly not a direct connection between the asset (or the local controller) and the remote analysis system. Furthermore, as the analysis controller database 78 is a part of the asset controller 51 of Bly, one can see that the data must also traverse the communications server 51a, which acts as a front-end to remote analysis system 50, and is between the modem 52 and analysis controller 51 (as shown in paragraph 46 and figure 3, for example). Additionally, paragraph 95 of Bly states that "an attempt is first made to access remote system 50 for authorization. If communication is not possible, an attempt is next made to communicate with local controller 36." One can see here that there is no connection between the asset and remote system 50 in at least some embodiments of Bly. It is also noted that stating that an entity is "not directly connected" to another entity merely means that there is some other entity there between, such as another computer, a router, or the like. If Applicant intends for this to mean that the only possible way for the terminal for maintenance operation to communicate with the

Art Unit: 2437

data management server is via the mobile terminal, with no other connection (such as indirect connections through the Internet and/or other local and/or remote devices) or form of communication possible, then this must be clarified.

As for the terminal for maintenance operation being connected to the data management server via the mobile terminal and a communication network, Bly describes such communication in various locations. Paragraph 85, for example, states that "Once the maintenance is completed, handheld device 168 is used to update database 78 as shown at point 170, including labor information and an identification of any parts required to effect a repair." As can be seen here, information regarding the asset can be sent to database 78 via the mobile terminal. It is noted that there appears to be no data that is transferred through this connection via the mobile terminal in the claim. Furthermore, paragraph 101 states that "hand held device 168 or a similar type of computing device provides a desirable access point to database 78." This clearly shows use of the hand held device as the access point to the database.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bly (U.S. Patent Application Publication 2002/0087345) in view of Hobgood (U.S. Patent Application Publication 2003/0132283) and Sofia (U.S. Patent Application Publication 2003/0211450).

Bly discloses a system for maintaining qualification of an operator by using an authentication recording medium which stores readable identification data and readable/writable skill authentication data of an operator (Figures 9 and 10; and Paragraphs 84-85 and 94-98), the system comprising:

A terminal for maintenance operation for managing and maintaining a system or device at a work site by using the authentication recording medium, the terminal for maintenance operation including a first authentication recording medium read/write device cooperable with the authentication recording medium (Figures 9 and 10; and Paragraphs 91 and 94-98; asset 31 or portion of asset such as data acquisition device 32, for example);

A mobile terminal including a second authentication recording medium read/write device cooperable with the authentication recording medium (Figures 9 and 10; and Paragraphs 84-85, 105, and 141-143; handheld device 168, for example);

A data management server at a server site (Figures 9 and 10; and Paragraphs 85, 94-98, and 104; analysis controller 50 or database 78 at remote analysis system 50, for example); and

A PC for education including a third authentication recording medium read/write device cooperable with the authentication recording medium (Figures 9 and 10; and Paragraphs 94-98, 104, and 154-155; the device on which training is performed); wherein

In the system for maintaining qualification of an operator, the terminal for maintenance operation at the work site is not directly connected to the data management server at the server site, but the terminal for maintenance operation is connected to the data management server via the mobile terminal and a communication network (Figures 9 and 10; and Paragraphs 85, 91, 94-98, and 101);

The system for maintaining qualification of an operator uses the authentication recording medium to authenticate an operator to carry out a maintenance operation of the system or device at the work site by inserting the authentication recording medium into the first authentication recording medium read/write device of the terminal for maintenance operation (Figures 9 and 10; and Paragraphs 85, 91, 94-98, and 101);

The skill authentication data stored in the authentication recording medium includes operation authority for the system or device to be managed/maintained at the work site, operation qualification level, expiration data of operation qualification level, contents of operation record including time, number of times and name of apparatus, data regarding work or operation status including continuous work time and past quality management data including operation error (Paragraphs 94-

98 and 147-151), and contents to be downloaded to the authentication recording medium includes operation authority for the system or device to be managed/maintained at the work site, operation qualification level, expiration data of operation qualification level, data regarding work or operation status including continuous work time and past quality management data including operation error (Paragraphs 84-85, 94-98, 105, 141-143, and 147-151);

The mobile terminal has a function to read the data stored in the authentication recording medium by using the second authentication recording medium read/write device and to send the data stored in the authentication recording medium to the data management server at the server site via the communication network, and a function to additionally record or update data received from the data management server in the authentication recording medium by using the second authentication recording medium read/write device (Paragraphs 84-85, 94-98, 105, and 141-143);

The data management server at the server site includes a database for data regarding work or operation status and a database for quality management data, and has a function to collect and analyze data uploaded to the database, to make operator qualification determinations and to download the qualification level determinations to the authentication recording medium as skill authentication data (Paragraphs 84-85, 94-98, 105, 141-143, and 147-151), and upon receiving urgent

operation approval data registered by an administrator, the data management server has a function to download the data via the mobile terminal to the authentication recording medium by using the second authentication recording medium read/write device (Paragraphs 81-83 and 96-97);

The PC for education includes an authentication recording medium data reading/writing application, a work application program, and an educational application program which is a program for educating an operator, and the PC for education has a function to provide educational material for self-learning regarding various operations, and a function to transmit a result of learning performed by an operator to the data management server via the local area network, receive a qualification determination from the data management server via the local area network, and additionally has a function to record/update the result of learning performed by an operator to the authentication recording medium as skill authentication data by using the third authentication recording medium read/write device (Figures 9 and 10; and Paragraphs 94-98, 104-107, 139-141, 149, and 154-155); and

The terminal for maintenance operation at the work site includes an operation application program and an authentication application program for the authentication recording medium, and the terminal for maintenance operation has a function to read data recorded in the authentication recording medium through the first authentication recording medium

read/write device, to confirm identification authentication based on identification authentication data, and to authenticate a certain range of operation based on the skill authentication data, and after performing a maintenance operation, the terminal for maintenance operation has a function to log the contents of an operation record by an operator and to store the contents of the operation record in the authentication recording medium by using the first authentication recording medium read/write device (Figures 9 and 10; and Paragraphs 91 and 94-98);

But does not appear to explicitly disclose that the authentication recording medium is a card in all instances, or that the PC for education connects to the data management server by a local area network.

Hobgood, however, discloses an authentication recording medium, being a smartcard, storing readable identification data and readable/writable skill authentication data that is inserted into authentication recording medium read/write devices in various devices in order to read and write the data stored on the authentication recording medium (Abstract; and Paragraphs 13-16 and 20). It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to incorporate the smart card training system of Hobgood into the training/certification tracking system of Bly in order to allow the system to provide simulations during training, such that an operator can more clearly see precisely what the operator should do upon encountering the situation



for which the operator is trained, thereby resulting in more accurate training and performance.

Sofia, however, discloses the PC for education connects to the data management server by a local area network (Figure 3a, numeral 66; and Paragraphs 16 and 35). It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to incorporate the self-paced training system of Sofia into the training/certification tracking system of Bly as modified by Hobgood in order to allow for training to proceed in such a manner as to allow each trainee to spend as much time in each portion of training as is necessary, thereby allowing training to be more beneficial by catering what training and simulation is provided and for how long to each individual trainee, and/or to allow for self-training to occur even in a local environment, thereby freeing instructor time to be used when there is an issue that the automated training/simulation cannot properly respond to.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JEFFREY D. POPHAM whose telephone number is (571)272-7215. The examiner can normally be reached on M-F 9:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Emmanuel Moise can be reached on (571)272-3865. The

Art Unit: 2437

fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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